

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

David E. Henderson, )  
                        )  
                        )  
Plaintiff,         ) Case No. 1:08-CV-707  
                        )  
                        )  
vs.                    )  
                        )  
Matthew Garretson, )  
                        )  
                        )  
Defendant.          )

O R D E R

This matter is before the Court on Defendant Matthew Garretson's motion to dismiss (Doc. No. 19), Magistrate Judge Hogan's Report and Recommendation (Doc. No. 23) recommending that the motion be granted, and Plaintiff David Henderson's objections to the Report and Recommendation (Doc. No. 25). For the reasons that follow, Plaintiff's objections are not well-taken and are **OVERRULED**; the Court **ADOPTS** the Report and Recommendation; Defendant's motion to dismiss is well-taken and is **GRANTED**. The complaint is **DISMISSED WITH PREJUDICE**.

This is apparently supposed to be either a breach of contract or a legal malpractice lawsuit in which Plaintiff David Henderson, proceeding pro se, claims that Defendant Matthew Garretson failed to pay him funds allegedly due from the settlement of a multi-district lawsuit in the Eastern District of

New York concerning Zyprexa. As outlined in the Report and Recommendation, however, neither Mr. Garretson nor his law firm represented Plaintiff in the Zyprexa litigation. Instead, Mr. Garretson's firm was hired to assist plaintiffs who settled their claims to obtain Medicare and Medicaid reimbursements. Thus, as Magistrate Judge Hogan determined, there is no factual or legal basis for Plaintiff's suit against Mr. Garretson and it should be dismissed with prejudice.

Plaintiff filed objections to the Report and Recommendation. Plaintiff's pleading, however, is perfunctory and fails to state any specific basis or ground upon which to conclude that the Report and Recommendation was erroneous. Therefore, the Court need not consider Plaintiff's objections. Mira v. Marshall, 806 F.2d 636, 637 (6th Cir. 1986) ("The parties have the duty to pinpoint those portions of the magistrate's report that the district court must specially consider.").

Accordingly, Plaintiff's objections are not well-taken and are **OVERRULED**. The Court **ADOPTS** the Report and Recommendation. Defendant's motion to dismiss is well-taken and is **GRANTED**. The complaint is **DISMISSED WITH PREJUDICE**. **THIS CASE IS CLOSED.**

The Court certifies pursuant to 28 U.S.C.A. § 1915(a)(3) that an appeal of this order would not be taken in good faith, and therefore **DENIES** Plaintiff leave to appeal in

forma pauperis. See Fed. R. App. P. 24(a); Kincade v. Sparkman, 117 F.3d 949, 952 (6th Cir. 1997).

**IT IS SO ORDERED**

Date November 18, 2009

s/Sandra S. Beckwith

Sandra S. Beckwith  
Senior United States District Judge